

**Kennebunkport Planning Board
December 18th, 2013 ~ 7:00 PM
Village Fire Station, 32 North Street**

A regular meeting of the Planning Board was held on Wednesday, December 18th, 2013. The meeting convened at 7:00 p.m. in the North Street Fire Station.

Members Present: Mr. David Kling (Chair), Greg Reid, Leo Famolare, Gordon Ayer, John Hathaway, Peter Fellenz, Hellen Conaty

Approval of Minutes: Mr. Ayer made a motion to approve the minutes from the December 4th, 2013 Planning Board meeting. Mr. Fellenz seconded the motion and the vote was unanimous.

Mr. Kling announced the next Planning Board meeting will be January 15th, 2014. There will be no Planning Board meeting on January 1st, 2014.

Items:

1) 131001 Paul Hogan / Sebago Technics – Site Plan Review – **Finding of Facts** - for approval to lift a residential building to meet floodplain requirements by installing a new pier foundation and by changing existing patio areas to raised decks. [9 New Biddeford Road, identified as Assessor's Tax Map 35, Block 006, Lot 02 in the Goose Rocks Zone.

Mr. Fellenz read the Findings of Fact into the record. Mr. Reid made a motion to approve said Findings. Mr. Hathaway seconded the motion and the vote was unanimous.

2) 130803 Cape Arundel Golf Club / Pinkham & Greer, Authorized Agent – Site Plan Review – **Finding of Facts** – for approval to do shoreline stabilization due to extensive erosion issues in various locations on the property. [19 River Road, identified as Assessor's Tax Map 12, Block 001, Lot 13 in the Village Residential Zone.]

Mr. Ayer read the Findings of Fact into the record. Mr. Reid made a motion to approve said Findings. Mr. Hathaway seconded the motion and the vote was unanimous.

3) 131001 John Spottiswoode – Site Plan Review – **Continued Public Hearing** – for approval to widen his private road to bring it up to new town private road standards. [1 Lynnsey Hollow Road, identified as Assessor's Tax Map 21, Block 001, Lot 08 in the Village Residential Zone.]

Mr. Spottiswoode addressed the Board stating he has spoken with Mr. Lee Perkins, an abutter and agreed to move the front part of the proposed road as far away from Mr. Perkin's property line as allowable. Mr. Kling added this Application is to increase the Right of Way to conform to the new town standards.

Mr. Kling asked the Board members and members of the audience if they had any questions or comments for the Applicant. Mr. Gilliam, Town Planner offered there are no issues with this Application from a Code Enforcement standpoint.

Mr. Kling closed the Public Hearing.

Mr. Hathaway made a motion to approve the Application. Mr. Famolare seconded the motion and the vote was unanimous. Mr. Reid was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on January 15th, 2014.

4) 130701 Arundel Cemetery Corporation – Site Plan – **Public Hearing** – for approval to create an access drive to an area of proposed burial plots with a new opening onto Walker Lane. [Walker Lane, identified as Assessor's Tax Map 13, Block 006, Lot 09 in the Farm and Forest Zone.]

Mr. Kling introduced the Agenda item. Mr. James Logan of Albert Frick Associates addressed the Board stating they have received a Maine DEP Tier 1 permit and in that process also received a Category 1 notification approval from the Army Corps of Engineers. Mr. Logan also stated an easement is also required to comply with the Town's tree policy.

Mr. Kling opened the Public Hearing. There were no comments or questions from the public. Mr. Kling closed the Public Hearing. Mr. Reid made a motion to approve the Application as presented. Mr. Hathaway seconded the motion and the vote was unanimous. Ms. Conaty was assigned as Case Manager to prepare the Findings of Fact to be read at the next Planning Board meeting on January 15, 2014.

5) Oak Ridge Estates / Albert Frick Associates, Inc. – Preliminary Application – for approval to create a seven-lot subdivision off Oak Ridge Road [Oak Ridge Road, identified as Assessor's Tax Map 39, Block 001, Lot 03 in the Free Enterprise Zone.]

Mr. Kling introduced the Agenda item stating at this point in the Preliminary Review the Board needs to decide if other information is required or any changes are needed before a Public Hearing can be scheduled.

Mr. James Logan of Albert Frick Associates addressed the Board stating this proposal is to create a 7-lot subdivision of approximately 31 acres with a total of 4.5 acres of developed land. Mr. Logan also stated they have performed a wetland delineation by GPS and have located two acceptable septic sites per lot. Mr. Logan also pointed out that no wetland area on the property met the DEP criteria to be classified as a significant vernal pool area. Using an enlarged site plan, Mr. Logan highlighted the lot sizes stating each lot is significantly larger than the required 1 acre for the Free Enterprise Zone and indicated those lots where the house sites were relocated in order to shorten the driveways. As part of the submission packet, Mr. Logan illustrated for the Board the results of their hydro geologic analysis identifying the septic system plumes and the well exclusion zones. A high intensity soil survey of the property showing house locations, clearing areas and the 1,000 ft. road leading to a cul-de-sac was also included in Mr. Logan's presentation.

Mr. Reid asked if there was room for an additional fire pond on the site. Mr. Logan responded he wasn't certain and wondered if the proximity to the current fire pond was sufficient. Mr. Kling suggested the Applicant meet with Fire Chief Allan Muir to get his recommendations.

Mr. Logan asked the Board's permission to use the data the town has available instead of commissioning a full topographical ground survey. Mr. Gilliam offered that he has found the electronic data set made of 2 foot contours to be accurate for Planning purposes. Mr. King asked if it was sufficiently accurate in place of a ground survey. Mr. Gilliam replied he has no objection to having the Lidar data used for this Application.

Mr. Ayer asked if they considered having the road follow the contours of the land rather than a straight line. Mr. Logan responded the road is intended to fully comply with the town standards. Mr. Gilliam reminded the Board members that the Planning Board has the authority to ask for a third party Peer Review of the road design to ensure the calculations have been done correctly.

After a lengthy discussion, Mr. Logan listed the following additional information he would provide at the Planning Board's request:

- Test Pit Profiles
- Frontage adjustment on Lot 7
- Utilities Plan
- Plan indicating an additional 25 ft. undisturbed buffer to the wetland areas
- Well exclusion plan to be incorporated as part of the site plan
- Soil Sample Analysis.

Mr. Logan also offered that the ground water analysis was done to DEP standards.

6) ~~131101 Brian Berube & Susan Wolff / Sandra Guay, Esq. – Site Plan Review – Initial Review~~ for approval to construct a 4'x6' pier, 3'x33' seasonal ramp and a 10'x20' float. [~~23 Land's End Road, identified as Assessor's Tax Map 21, Block 010, Lot 14 in the Cape Porpoise West Zone.~~] **MOVED TO 01/15/2014 AGENDA PENDING APPROVAL BY BOARD OF SELECTMEN AT 01/09/2014 MEETING.**

Other Business: Robert T. Murphy / Walsh Engineering Assoc. – Request for 180 extension of approval.

Mr. Bill Walsh of Walsh Engineering on behalf of Robert T. Murphy addressed the Board requesting an extension of their previous approval. Mr. Walsh added they hope to perform the shoreline improvement project in the spring. Mr. Ayer made a motion the Planning Board grant a 180 day extension. Mr. Famolare seconded the motion and the vote was unanimous.

Adjournment: A motion was made to adjourn, it was seconded and the vote was unanimous.

Submitted by: Patricia Saunders, Planning Board Recording Secretary